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Atty Docket D-2958RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application
of

Inventor(s):
Dennis E. Parham

Merchandising Display Track
Device Of Multiple-Piece
Construction

Serial No.: 10/705,666

Confirmation No.: 5356

Filed: November 10, 2003

Group Art Unit: 3634

Examiner: Novosad, J. E.

I hereby certify that this correspondence is
being deposited today with the United States
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MAIL STOP PETITIONS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

John L. James
Name: John L. James
Registration No. 28,724
Date: January 8, 2008

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

PETITION FOR RECONSIDERATION

This is a petition for reconsideration of the
decision on the petition by Applicant, Display Industries,
LLC., to accept the filing of the above-identified U.S.
Reissue Patent Application by it, as the party to which the
invention disclosed and claimed in said Reissue Patent
Application rightfully belongs, and on behalf of and as
agent for the inventor.

The amount of \$200.00 has been noted as having been
received on June 11, 2007, however, the required fee is
\$400.00.

This request is accompanied by check in the amount
of \$200.00 for the remainder of the required \$400.00 fee.

01/10/2008 SSITHIB1 00000038 10705666

01 FC:1463

200.00 OP

01/10/2008 SSITHIB1 00000059 10705666

01 FC:1462

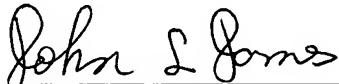
400.00 OP

Adjustment date: 01/10/2008 SSITHIB1
00000059 10705666
06/12/2007 TRADEGE1 00000005 10705666
-200.00 OP
01 FC:1463

The facts are that Petitioner's Attorney inadvertently submitted the \$200.00 fee pursuant to 37 C.F.R. § 1.17(g) rather than the \$400.00 fee pursuant to 37 C.F.R. § 1.17(g). In the petition, Petitioner's Attorney also inadvertently referred to 37 C.F.R. § 1.17(h) which requires a fee \$130.00 instead of the \$400.00 fee required by 37 C.F.R. § 1.17(g).

Petitioner's Attorney apologizes for the error and confusion and now submits that the petition is in condition for approval.

Respectfully submitted,



John L. James
Attorney for Applicant(s)
Registration No. 28,724

Atty Docket No. D-2958RE
Serial No.: 10/705,666
Petition
Telephone: 678-520-7665



UNITED STATES PATENT AND TRADEMARK OFFICE



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OFFICE OF PETITIONS

In re Application of :
Dennis E. Parham :
Application No.: 10/705,666 : ON PETITION
Filing Date: November 10, 2003 :
Attorney Docket No. 10/705,666 :

This is a decision on the "Petition for Filing by Assignee" filed June 11, 2007, which will be treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.175.

The petition is **dismissed**.

Petitioner requests that the supplemental reissue declaration be accepted without the signature of inventor Dennis E. Parham, as inventor Parham is refusing to sign the declaration. It is noted, that in this case, 37 CFR 1.175 requires the filing of a supplemental reissue declaration signed by all named inventors, yet petitioner has demonstrated that inventor Parham refuses to sign the supplemental reissue declaration. In such a case, Section 1414.01 of the *Manual of Patent Examining Procedure* (MPEP) provides that:

[if] a joint inventor refuses or cannot be found or reached to sign a supplemental oath/declaration, a supplemental oath/declaration listing all the inventors, and signed by all the available inventors may be filed provided it is accompanied by a petition under 37 CFR 1.183 along with the petition fee, requesting waiver of the signature requirement of the non-signing inventor.

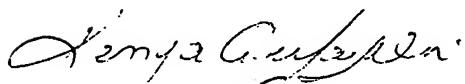
Accordingly, the instant petition will be treated as petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.175 so as to accept the supplemental reissue declaration filed April 23, 2007, without the signature of inventor Parham. Review of the merits of petition indicates that the petition is grantable, however; the petition must be dismissed because the fee for the petition under 37 CFR 1.182 did not accompany the petition. The amount of \$200.00 is noted as having been received on June 11, 2007, however, the fee for a petition under 37 CFR 1.183 is \$400.00. The remainder of the petition fee or an authorization to charge a deposit account for the same must accompany the renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3222.



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions